

Remarks:

The Examiner rejected Claims 15 - 21 and 23 under 35 U.S.C. 112 as based on a disclosure that is not enabling. In response the Applicant has cancelled Claims 15 - 18, 20, 21 and 23, and amended Claim 19 to read "multiple screw conveyors". The Applicant respectfully submits that such screw conveyors are clearly disclosed in the specification in Figs. 1 - 4, and at paragraph [00023].

The Examiner rejected Claims 1, 12, and 19 under 35 U.S.C. 112 as being indefinite. In response the Applicant has cancelled Claim 1, and amended Claims 12 and 19 as suggested by the Examiner.

The Examiner further rejected Claim 1 under 35 U.S.C. 102(a) as being anticipated by Mast et al. As above, the Applicant has cancelled Claim 1.

The Examiner further rejected Claims 6 - 13 and 22 under 35 U.S.C. 103(a) as being unpatentable over Mast et al. The Examiner indicated that it would have been obvious to allow the particulate material unloading system (130) to be towed along in the direction of travel of the motive power source via hitch (340). The Applicant respectfully submits that while the hitch illustrated as (340) in Fig. 12 of Mast et al. could allow the system (130) to be towed in alignment with the motive power source, Claim 6 also requires that the configuration is:

"such that said platform remains connected to said motive power source and said main particulate material conveyance device during unloading and also when moving said particulate material unloading system from one area to another."

The only mention of how the conveyors in Mast et al. are driven is at paragraph [0031] where he is referring to Fig. 6 and states: "A connection from transition housing 28 to a feed chute 140, for example, a mechanical connection to a power take-off of a tractor, is also shown." The illustrated transition housing 28 is at the same end of the platform 14 as the feed chute 140. Thus the conveyors in the platform of the Mast system 130 are driven from the auger in the feed chute 140. This is the well-known conventional drive mechanism for such swing away augers

that are configured to operate substantially in the orientation illustrated in Fig. 8 of Mast et al. The tractor power takeoff is connected by a power takeoff shaft to a drive mechanism at the bottom of the main conveyor 200 to drive both the auger of the main conveyor 200 and the auger in the feed chute 140. Thus in the system 130 of Mast et al., when connected for travel to the hitch 340 of Fig. 12, the power takeoff shaft must be disconnected from the drive mechanism, and thus the platform cannot remain connected to said motive power source and the main particulate material conveyance device during unloading and also when moving said particulate material unloading system from one area to another.

At paragraph [0038] Mast et al. states:

“FIG. 12 is a side view of drive over conveyor pit 301 illustrating a hitching mechanism 340. Hitching mechanism 340 is mechanically attached to pit 301 at the end opposite feed chute 140 (not shown in FIG. 12). Hitching mechanism 340 is configured to attach to a towing vehicle, for example, a three point hitch of a tractor, and thereby enables transport of both pit 301 and auger 200 utilizing a single tow vehicle”

Thus Mast et al. do not suggest that the system 130 can both be transported and operated during unloading while connected to the hitch 340, but only teaches such an orientation for transport. Mast et al. in fact teach away from such an orientation during unloading in Fig. 8, the only illustration of the system 130 in an operating unloading position. In Fig. 8 the platform is oriented laterally to the main conveyor as is conventional with swing-away type augers. Attaching the towing vehicle to the hitch 340 essentially destroys the function of the system 130 for unloading, since in order attach the hitch to the towing vehicle, the drive must be detached..

The Applicant therefore respectfully submits that Claim 6 is not made obvious by Mast et al.

The Examiner further rejected Claims 14 - 18, 20, and 21 under 35 U.S.C. 103(a) as being unpatentable over Mast et al. in view of various cited prior art. As above, the Applicant has withdrawn Claims 15 - 18, 20, and 21, and relies on the comments

above with respect to Claim 6 to overcome the rejection of Claim 14, which is dependent on Claim 6.

The Applicant also herewith submits new independent Claim 25, and Claims 26 - 34 depending therefrom to more concisely and particularly claim the present invention. Claim 25 includes the limitations:

“an elongated horizontally disposed platform substantially aligned with the main conveyor and pivotally attached to a front end of the main conveyor about a substantially horizontal axis transverse to the operating travel direction such that the platform and main conveyor are maintained in substantial alignment;”

and

“a driveline adapted at a front end thereof for connection to a power takeoff of the agricultural tractor, and extending through the platform to drive the transfer means and main conveyor;”.

The Applicant respectfully submits that new Claim 25 is thus not made obvious by Mast et al., since there the platform and main conveyor swing with respect to each other. Mast et al. further does not show or suggest a driveline through the platform.

Applicant has made an earnest effort to be fully responsive to the Examiner's objections and believes that Claims 6 - 14, 19, 22, and 25 - 34 are in condition for allowance, in addition to presently allowed Claims 2 - 5, and 24. The Applicant solicits the allowance of Claims 6 - 14, 19, 22, and 25 - 34.

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If, however, the Examiner should for any reason consider this application not to be in condition for allowance he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Respectfully submitted,

Jason R. Kirsch

By 

Kevin S. Sprecher
Registration No. 42,165
Attorney for Applicant(s)

FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 651-6121

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 5th day of May 2005.


Beth O'Bryan